

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC MEDICINE, et al.;

Plaintiffs,

v.

U.S. FOOD AND DRUG ADMINISTRATION, et al.;

Defendants.

Case No. 2:22-cv-00223-Z

**UNOPPOSED MOTION OF 67 MEMBERS OF CONGRESS FOR LEAVE
TO FILE A BRIEF AS *AMICI CURIAE* IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to N.D. Tex. Civ. R. 7.2(b), Movants, 67 Members of Congress, respectfully seek this Court's leave to file the accompanying brief as *Amici Curiae* in support of Plaintiffs' Motion for a Preliminary Injunction. Consistent with Fed. R. App. P. 29(a)(4)(E), no party's counsel authored any part of this brief, and no person other than *Amici Curiae* and their counsel contributed any money intended to fund the preparation or submission of this brief. Plaintiffs and Defendants have granted blanket consent to *amicus curiae* briefs filed on or before February 10, 2023. (Doc. 13).

IDENTITY AND INTERESTS OF MOVANTS

Movants are 67 Members of the United States Congress, 13 Senators and 54 Members of the House of Representatives, representing 31 States. A complete list of Movants Members of Congress is found in the Appendix to the *amici* brief. Congress delegates power to the U.S. Food and Drug Administration (FDA) to approve drugs and regulate their safety and efficacy. As pro-life elected representatives, Movants are committed to protecting women and girls from the harms of the abortion industry. By approving and deregulating chemical abortion drugs, the FDA has not followed Congress' statutorily prescribed drug approval process and has subverted Congress' critical public policy interests in upholding patient welfare. The FDA's lawless actions ultimately endanger women and girls seeking chemical abortions.

REASONS TO GRANT MOVANTS' *AMICI CURIAE* STATUS

As Members of Congress, Movants have unique insight into federal laws that protect patient health and safety and are at issue in this case. Movants respectfully submit that their

proffered *amici* brief will bring at least three crucial public policy matters regarding patient safety to the Court's attention:¹

1. The FDA's failure to adhere to the Federal Food, Drug, and Cosmetic Act's drug approval process has created grave risks to the health and safety of women and girls;
2. The FDA endangers pregnant adolescents seeking chemical abortion drugs by unlawfully waiving the pediatric study requirement; and
3. The FDA has created serious hazards for women's health and safety by permitting mail-order chemical abortion drugs in violation of federal law.

These issues are relevant to this Court's decision on Plaintiffs' motion for a preliminary injunction, as the Court will consider, among other factors, whether there is "a substantial threat of irreparable injury [to patients] if the injunction is not granted" and whether the preliminary injunction is in the public interest. *Ridgely v. Fed. Emergency Mgmt. Agency*, 512 F.3d 727, 734 (5th Cir. 2008). Movants respectfully submit that their brief will aid the Court as it considers Plaintiffs' motion for a preliminary injunction and the final judgment in this case.

For the foregoing reasons, Movants Members of Congress respectfully request that this Court grant their motion for leave to file the accompanying *amici curiae* brief.

¹ *Tex. v. Biden*, No. 2:21-CV-067-Z (N.D. Tex. June 16, 2021); *Neese v. Becerra*, No. 2:21-CV-163-Z (N.D. Tex. Aug. 8, 2022).

Respectfully submitted this February 10, 2023.

By: /s/ Fernando M. Bustos

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**Pro hac vice application forthcoming*

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CERTIFICATE OF CONFERENCE

I certify that in paragraph 3 of the Joint Motion to Extend Deadlines and Set Briefing Schedule (Doc. 12), “The parties further stipulate that they will not oppose the filing of amicus briefs, and that any amici do not need to seek the specific consent of either Plaintiffs or Defendants before seeking leave of the Court.” Therefore, this motion is not opposed.

/s/ Fernando M. Bustos

Fernando M. Bustos